

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

Date Purchased: 10/01/2021

-----X  
ARIEL FIORDALISA PEREZ,

**SUMMONS**

Plaintiff,

Plaintiff designates **BRONX**  
County as the place of trial.

-against-

The basis of venue is:

**SITE OF OCCURRENCE**

TOTAL FLEET SERVICES LLC., and "JOHN DOE"  
fictitious, true name intended for the operator of a  
2016 Ford motor vehicle bearing Massachusetts  
registration number 1PLL56,

Defendants.

-----X County of **BRONX**

**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
October 1, 2021

**YADGAROV & ASSOCIATES, PLLC**

\_\_\_\_\_  
ROBERT YADGAROV, ESQ.

Attorneys for Plaintiff

**ARIEL FIORDALISA PEREZ**

820 Second Avenue-Suite 1100

New York, New York 10017

(212) 581-2500

Our File: 21-4316

TO:

**TOTAL FLEET SERVICES LLC.**

859 Willard Street

Quincy, MA 02169

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
ARIEL FIORDALISA PEREZ,

Plaintiff,

-against-

Index No.:

Date Purchased:10/01/2021

**VERIFIED COMPLAINT**

TOTAL FLEET SERVICES LLC., and "JOHN DOE"  
fictitious, true name intended for the operator of a  
2016 Ford motor vehicle bearing Massachusetts  
registration number 1PLL56

Defendants.  
-----X

Plaintiff, by her attorneys, **YADGAROV & ASSOCIATES, PLLC**, complaining of the  
Defendants, respectfully alleges upon information and belief:

**AS AND A FIRST CAUSE OF ACTION ON BEHALF  
OF PLAINTIFF ARIEL FIORDALISA PEREZ**

1. At all times herein mentioned, Plaintiff **ARIEL FIORDALISA PEREZ** was, and  
still is, a resident of the City, County and State of New York.

2. At all times herein mentioned, Defendant **TOTAL FLEET SERVICES LLC.**,  
was, and still is, a foreign limited liability company authorized to do business in the State of New  
York.

3. At all times herein mentioned, Defendant **TOTAL FLEET SERVICES LLC.**,  
was, and still is, a maintained a principal place of business in the County of Norfolk, State of  
Massachusetts.

4. That on July 21, 2021, and at all times herein mentioned, Defendant **TOTAL FLEET SERVICES LLC.**, was the owner of a 2016 Ford motor vehicle bearing Massachusetts State registration number 1PLL56.

5. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** operated the aforementioned 2016 Ford motor vehicle bearing Massachusetts State registration number 1PLL56.

6. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** operated the aforementioned 2016 Ford motor vehicle bearing Massachusetts State registration number 1PLL56 with the permission of Defendant **TOTAL FLEET SERVICES LLC.**

7. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** operated the aforementioned 2016 Ford motor vehicle bearing Massachusetts State registration number 1PLL56 with the knowledge of Defendant **TOTAL FLEET SERVICES LLC.**

8. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** operated the aforementioned 2016 Ford motor vehicle bearing Massachusetts State registration number 1PLL56 with the consent of Defendant **TOTAL FLEET SERVICES LLC.**

9. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** operated the aforementioned 2016 Ford motor vehicle bearing Massachusetts State registration number 1PLL56 in the scope of his/her employment with Defendant **TOTAL FLEET SERVICES LLC.**

10. That on July 21, 2021, and at all times herein mentioned, Defendant **TOTAL FLEET SERVICES LLC.**, managed the aforementioned motor vehicle.

11. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** managed the aforementioned motor vehicle.

12. That on July 21, 2021, and at all times herein mentioned, Defendant **TOTAL FLEET SERVICES LLC.**, maintained the aforementioned motor vehicle.

13. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** maintained the aforementioned motor vehicle.

14. That on July 21, 2021, and at all times herein mentioned, Defendant **TOTAL FLEET SERVICES LLC.**, controlled the aforementioned motor vehicle.

15. That on July 21, 2021, and at all times herein mentioned, Defendant **“JOHN DOE”** controlled the aforementioned motor vehicle.

16. That on July 21, 2021, and at all times herein mentioned, Plaintiff **ARIEL FIORDALISA PEREZ** was the owner of a 2014 Toyota motor vehicle bearing NY State registration number T735111C.

17. That on July 21, 2021, and at all times herein mentioned, Plaintiff **ARIEL FIORDALISA PEREZ** was the operator of the 2014 Toyota motor vehicle bearing NY State registration number T735111C.

18. At all times herein mentioned, on the Major Deegan at or near its intersection with Exit 19, County of Bronx and State of New York were public roadways and thoroughfares.

19. That on July 21, 2021, Defendant **“JOHN DOE”** was operating the aforesaid motor vehicle owned by Defendant **TOTAL FLEET SERVICES LLC.**, at the aforementioned location.

20. That on July 21, 2021, Plaintiff **ARIEL FIORDALISA PEREZ** was operating the aforesaid motor vehicle at the aforementioned location.

21. That on July 21, 2021, the motor vehicle owned by Defendant **TOTAL FLEET SERVICES LLC.**, operated by Defendant **“JOHN DOE”** came into contact with the rear of the motor vehicle owned and operated Plaintiff **ARIEL FIORDALISA PEREZ** at the aforementioned location.

22. That as a result of the aforesaid contact, Plaintiff **ARIEL FIORDALISA PEREZ** was injured.

23. That the aforesaid occurrence was caused wholly and solely by reason of the negligence, carelessness and recklessness of the Defendants, and without any fault or negligence on the part of the Plaintiff contributing thereto.

24. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

25. That Plaintiff **ARIEL FIORDALISA PEREZ** sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

26. Upon information and belief, the Plaintiff is a “covered person” as defined by §5102 of the Insurance Law of the State of New York.

27. That Plaintiff **ARIEL FIORDALISA PEREZ** sustained serious injury and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

28. The Plaintiff is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances in this action.

29. That this action falls within one or more of the exceptions set forth in CPLR §1602.

30. That by reason of the foregoing, Plaintiff has been damaged in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND OF A SECOND CAUSE OF ACTION  
FOR PROPERTY DAMAGE ON BEHALF OF  
PLAINTIFF ARIEL FIORDALISA PEREZ**

31. Plaintiff **ARIEL FIORDALISA PEREZ**, repeats, reiterates and realleges each and every allegation contained herein as though fully set forth at length herein with the same force and effect as though fully set forth herein at length.

32. That on July 21, 2021, and at all times hereinafter mentioned, Plaintiff, **ARIEL FIORDALISA PEREZ**, was the owner of a 2014 Toyota motor vehicle bearing New York State registration number T735111C.

33. That as a result of the aforesaid collision, Plaintiff, **ARIEL FIORDALISA PEREZ** motor vehicle was damaged in a sum that exceeds the jurisdictional limits of all lower court which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff demands judgment against the Defendants herein on the First and Second causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs of these actions.

Dated: New York, New York  
October 1, 2021

Yours, etc. -



---

ROBERT YADGAROV, ESQ.  
**YADGAROV & ASSOCIATES, PLLC**  
Attorneys for Plaintiff  
**ARIEL FIORDALISA PEREZ**  
820 Second Avenue-Suite 1100  
New York, New York 10017  
(212) 581-2500  
Our File: 21-4316

## VERIFICATION

STATE OF NEW YORK

SS:

COUNTY OF

NY

Ariel Fiordaliso Perez, being duly sworn, says:

I am a Plaintiff in the action herein: I have read the annexed Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

DATED: NEW YORK, NEW YORK

October 1, 2021ad and Perez

Sworn to before me this

1<sup>st</sup> day of October, 2021  
Notary Public

C. PATRICIA TUDELA  
Notary Public, State of New York  
Registration #01TU4913711  
Qualified In Queens County  
Commission Expires Dec. 7, 2021



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

INDEX NO.:

ARIEL FIORDALISA PEREZ,

Plaintiff,

-against-

TOTAL FLEET SERVICES LLC., and "JOHN DOE"  
fictitious, true name intended for the operator of a  
2016 Ford motor vehicle bearing Massachusetts  
registration number 1PLL56,

Defendants.

## SUMMONS AND VERIFIED COMPLAINT

## YADGAROV &amp; ASSOCIATES, PLLC

Attorneys for Plaintiff(s)

820 Second Avenue - Suite 1100

New York, New York 10017

(212) 581-2500

File No.: 21-4316

Signature (Rule 130-1.1-a)

TO: CLERK OF BRONX COUNTY



By: ROBERT S. YADGAROV, ESQ.

a Copy of the within is hereby admitted.

Signature and Date

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order  
will be presented for settlement to the HON.  
within named Court, at  
on 20 at

of which the within is a true copy  
One of the judges of the

Dated,

Yours, etc.